

MAR. 18. 2004 4:34PM

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NO. 2896

P 1/39

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FAX

To Attn: Examiner Jana A. Hines, Group 1645

Company USPTO

Fax 703-872-9306

From Marjorie J. Pfeiffer

Tel 1-919-483-9038; Facsimile: 1-919-483-7988

E-mail marjorie.j.pfeiffer@gsk.com

Date March 18, 2004 **Pages including cover** 39

Subject Withdrawal of Abandonment



GlaxoSmithKline

GlaxoSmithKline
PO Box 13398
Five Moore Drive
Research Triangle Park
North Carolina 27709

Tel: 919 483 2100
www.gsk.com

OFFICIAL

Re: Application of James Martin LENHARD et al.
U.S. Serial No.: 09/700,409; Filed: December 11, 2000
Title: *Infrared Thermography*
Attorney Docket No. PU3491USw

Attached:

1. Information for Withdrawal of Abandonment w/Certificate of Mailing/Transmission
2. Copy of Notice of Abandonment
3. Copies of return post card received by the USPTO and Express Mail label dated 1/16/03
4. Copy of Certificate of Mailing by Express Mail
5. Copy of response to the Office Action mailed July 30, 2002 (32 pages)

The information contained in these documents is confidential and may also be privileged and is intended for the exclusive use of the addressee designated above. If you are not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, any disclosure, reproduction, distribution, or any other dissemination or use of this communication is strictly prohibited. If you have received this transmission in error please contact us immediately by telephone so that we can arrange for its return.

Atty. Docket No.PU3491USw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James Martin LENHARD et al.

Application No.: 09/700,409

Group No. 1645

Filed: December 11, 2000

Examiner: Hines, Jana A.

For: *Infrared Thermography*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

INFORMATION FOR WITHDRAWAL OF ABANDONMENT-PTO HAS NO
EVIDENCE THAT MAILED CORRESPONDENCE RECEIVED

Sir:

Applicant requests that the abandonment in this case be withdrawn.

PROMPTNESS OF THIS SUBMISSION

This information is being submitted promptly after applicant has learned of the abandonment on the basis of:

- the Notice of Abandonment mailed by the PTO on March 3, 2004
 applicant's own procedures in monitoring the progress of this case.

SUBMISSION

Submitted herewith is:

(check and complete each appropriate item below)

- A copy of the page of the response mailed on January 16, 2003
showing a Certificate of Mailing by Express Mail executed on January 16, 2003

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

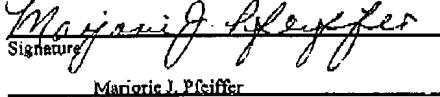
MAILING

deposited with the United States Postal Service
with sufficient postage as first class mail, in an
envelope addressed to the Commissioner for Patents,
Washington, D.C. 20231.

FACSIMILE

transmitted by facsimile to the
Patent and Trademark Office.
(703) 872-9306

Date March 18, 2004


Signature

Marjorie J. Pfeiffer
(Type or print name of person certifying)

Atty. Docket No.PU3491USw

- A copy of the post card identifying the papers filed and showing the U.S. PTO receipt stamp dated
- A copy of the complete response previously filed.
- A copy of the cancelled check(s) referring to the response identified above.
- A copy of the attorney's Deposit Account Statement, in which the item corresponding to the response referred to above is noted.

STATEMENT

Attached hereto is a statement attesting to the timely transmission of the correspondence referred to above based on:

- personal knowledge
- a showing believed to be satisfactory to the Commissioner
- Please proceed with further examination of this application on the basis of:
- The original papers filed, which have now reached the appropriate area of the PTO.

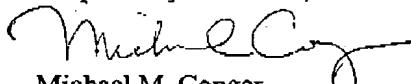
AND/OR

- The attached copy of the papers originally filed.

REQUEST FOR WITHDRAWAL OF ABANDONMENT

Acknowledgement of the active status of this application is respectfully requested.

Respectfully submitted,



Michael M. Conger
Attorney of Record
Registration No. 43,562

Date: March 18, 2004
GlaxoSmithKline
Corporate Intellectual Property
5 Moore Drive, P.O. Box 13398
Research Triangle Park, NC 27709-3398
Telephone: (919) 483-2474
Facsimile: (919) 483-7988



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

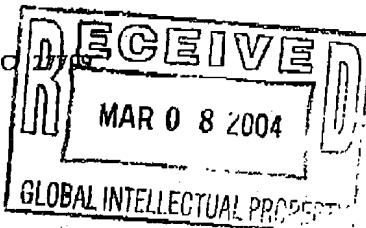
I PM | MMC

PU 3491 USN

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,409	12/11/2000	James Martin Lenhard	1430-257	3502

7590 03/03/2004

GLAXO WELLCOME INC.
 CORPORATE INTELLECTUAL PROPERTY
 FIVE MOORE DRIVE
 P.O. BOX 13398
 REASEARCH TRIANGLE PARK, NC 27709



EXAMINER
HINES, JANA A

ART UNIT	PAPER NUMBER
1645	

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment	Application No.	Applicant(s)	
	09/700,409	LENHARD ET AL.	
	Examiner Ja-Na Hines	Art Unit 1645	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 30 July 2002.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:


 LYNETTE R. F. SMITH
 SUPERVISORY PATENT
 TECHNOLOGY CENTER 1601

LYNETTE R. F. SMITH
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 1601

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

DOCKET No. PL3491456 Date Mailed 1/16/03 Atty/Secy mmc/mjp
 MAILING: CERTIFICATE/ EXPRESS MAIL # EV022027760US

Filing Date: 12/14/2000

DOCKET No. PL3491456 Date Mailed 1/16/03 Atty/Secy mmc/mjp
 MAILING: CERTIFICATE/ EXPRESS MAIL # EV022027760US
 U.S. Serial No.: 09/700, 409 Filing Date: 12/14/2000
 Int'l App. No.: Int'l Filing Date:

RECEIPT IS ACKNOWLEDGED FOR THE FOLLOWING:

- Appln Transmit +1 copy for: Provisional CIP
- Utility CONTIN DIV RCE TRADEMARK
- Specification pgs Abstract pgs
- Dese pgs Powers of Atty pgs
- Drawings 27 Sheet(s)/Figs 1 to 25
- Assignment pgs & Recordation Cover Sheet
- Transmit Ltr Nat'l Stage Entry +fee pg (3pgs)
- Information Disclosure Statement
- Form PTO-1449 pgs References
- Amendment Response 2 pgs
- Petition for 1 month Extension of Time +1 copy
- Issue Fee Trans. (Part B) + 1 copy
- Copy of Notice to File Missing Parts
- Request for Nonpublication (1 pg)
- Authorization to Charge Dep. Acct. # 07-1392
-
-
-
-

- Copy of Notice to Comply
- Statement to Support Filing
- Diskette Sequence List
- Appeal Brief pgs
- Petition pgs
- Status Request
- 2nd Transmit for Nat'l Stage JAN 16 2003
- Resp. to Written Opinion
- Priority Doc #
- Notice of Appeal +fee
- Resp to Restrict Req pgs
- Req to Correct Filing Recpt
- Copy of Filing Receipt
- Req for Cert of Correct pgs

O P E
SCT08
DEPARTMENT OF COMMERCE
U.S. PATENT AND TRADEMARK OFFICE



**POST OFFICE
TO ADDRESSEE**



EV 022027760 US

ORIGIN (POSTAL USE ONLY)		Day of Delivery	Flat Rate Envelope
PO ZIP Code	<u>20267</u>	<input checked="" type="checkbox"/> Mon <input type="checkbox"/> Second	<input type="checkbox"/>
Date in			Postage
Mo. Day Year		<input type="checkbox"/> 12 Noon <input type="checkbox"/> 5 PM	<u>\$ 13.65</u>
Time in		Military	Return Receipt Fee
<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM		<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	
Weight		Int'l Alpha Country Code	COD Fee Insurance Fee
lbs. oz.			
No Delivery	Acceptance Clerk Initials	Total Postage & Fees	
<input type="checkbox"/> Household <input type="checkbox"/> Business		<u>\$ 13.65</u>	

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WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is valid if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent. (If delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

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I understand and agree to the terms and conditions of the Postage and Mail Agreement.

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MAR. 18. 2004 4:35PM

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NO. 2896 P. 7/39

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): LENHARD et al.			Docket No. PU3491USW
Serial No. 09/700,409	Filing Date December 11, 2000	Examiner Hines, Java A.	Group Art Unit 1645
Invention: INFRARED THERMOGRAPHY			
<p>I hereby certify that the following correspondence:</p> <p>Amendment with attached drawings</p> <p><i>(Identify type of correspondence)</i></p>			
<p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on <u>January 16, 2003</u> <i>(Date)</i></p>			
<p>Marjorie J. Pfeiffer <i>(Typed or Printed Name of Person Mailing Correspondence)</i></p> <p><i>Marjorie J. Pfeiffer</i> <i>(Signature of Person Mailing Correspondence)</i></p> <p>EV022027760US</p>			
<p>Note: Each paper must have its own certificate of mailing.</p>			

P06A/REV02

COMBINED AMENDMENT & PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) (Large Entity)

 Docket No.
 PU3491USw

In Re Application Of: LENHARD et al.

 Serial No.
 09/700,409

 Filing Date
 December 11, 2000

 Examiner
 Hines, Jana A.

 Group Art Unit
 1645

Invention: INFRARED THERMOGRAPHY

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of July 30, 2002 in the above-identified application.

Date

The requested extension is as follows (check time period desired):

 One month Two months Three months Four months Five months
from: October 30, 2002
Dateuntil: January 30, 2003
Date

The fee for the amendment and extension of time has been calculated as shown below:

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	27 -	71 =	0	x \$18.00	\$0.00
INDEP. CLAIMS	2 -	9 =	0	x \$84.00	\$0.00
FEE FOR AMENDMENT					\$0.00
FEE FOR EXTENSION OF TIME					\$920.00
TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME					\$920.00

P28LARGE/REV03

 Express Mail Label No.
 EV022027760US

COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Large Entity)Docket No.
PU3491USw

The fee for the amendment and extension of time is to be paid as follows:

- A check in the amount of \$920.00 for the amendment and extension of time is enclosed.
- Please charge Deposit Account No. 07-1392 in the amount of \$920.00
A duplicate copy of this sheet is enclosed.
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 07-1392
A duplicate copy of this sheet is enclosed.
- Any additional filing fees required under 37 C.F.R. 1.16.
- Any patent application processing fees under 37 CFR 1.17.
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 07-1392 A duplicate copy of this sheet is enclosed.



Signature

Dated: January 16, 2002

Michael M. Conger
Attorney of Record
Registration No. 43,562
Telephone: (919) 483-2474
Facsimile: (919) 483-7988



CC:

I certify that this document and fee is being deposited on [redacted] with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.	
Signature of Person Mailing Correspondence	
Typed or Printed Name of Person Mailing Correspondence	

Express Mail Label No.
EV022027760US

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

 Docket No.
PU3491USw

The fee for the amendment and extension of time is to be paid as follows:

- A check in the amount of **\$920.00** for the amendment and extension of time is enclosed.
- Please charge Deposit Account No. **07-1392** in the amount of **\$920.00**
A duplicate copy of this sheet is enclosed.
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **07-1392**
A duplicate copy of this sheet is enclosed.
- Any additional filing fees required under 37 C.F.R. 1.16.
- Any patent application processing fees under 37 CFR 1.17.
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **07-1392** A duplicate copy of this sheet is enclosed.



Signature

 Dated: January 16, 2002

Michael M. Conger
 Attorney of Record
 Registration No. 43,562
 Telephone: (919) 483-2474
 Facsimile: (919) 483-7988



CC:

I certify that this document and fee is being deposited on [redacted] with the U.S. Postal Service as first class mail under 37 C.F.R. 1.6 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.
Signature of Person Mailing Correspondence
Typed or Printed Name of Person Mailing Correspondence

P28LARGE/REV03

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